Further to the filing of applicants §1.116 response filed on April 22, 2008, entered as a consequence of applicant's filing of a Request for Continued Examination filed on July 22, 2008, Applicants respectfully request entry and consideration of the following Remarks.

Applicants prior response submitted April 22, 2008 argued the patentability of Claims 1, 2, 9, 10, 17 and 22-33 that stood finally rejected under 35 USC §103(a) over US Patent Application Publication No. 2006/0085821 to Simmons, et al. ("**Simmons**") in view of "NPL document :Introduction to SSL" ("**SSL**"). Applicants prior response submitted April 22, 2008 further argued the patentability of Claims 4-8, 12-16 and 19-21 that stood finally rejected under 35 USC §103(a) over **Simmons** and **SSL**, further in view of US Patent Application Publication No. 2003/0177495 to Needham, et al. ("**Needham**").

In the present amendment, each of independent Claims 1, 9, 17, 22, 23, 24 are being further amended to clarify the Video On Demand short message system having an authentication function according to the present invention by amending these claims to set forth that the demand short message sending means comprises <u>a mobile phone device for sending said demand short message via a wireless connection</u>. Respectfully, no new matter is being entered by this amendment as full support for this feature can be found in the specification as originally filed on page 8, lines 15-26 connection with the reference to Fig. 1.

This demand short message sending means comprising a <u>mobile phone device</u> coupled with the novel short message authentication feature as set forth in the claims, the patentability of which has been argued in applicants prior responses, renders the claims patentably distinct as the cited references to **Simmons** and **SSL** do not teach or suggest these claimed features. In fact, **Simmons** teaching and Examiner's application of **SSL** is antithetical to the present invention as

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now claimed in amended independent Claims 1, 9, 17, 22-24, as the combination of **Simmons** and **SSL** is operable for traditional Internet based and cable-TV based infrastructures. That is, **Simmons** and **SSL** do not teach or suggest generating a demand short message by a short message sending means comprising a mobile phone device for sending said demand short message via a wireless connection as now claimed.

In fact, a differentiating patentable feature of the present invention now set forth in the amended claims is the novel demand short message sending means for a mobile device based Video on Demand application is intended for users "without Internet access" (see present specification at page 7, lines 14-20) and to obviate the need for dual-directional reconstruction for the system demanding a video through a CATV cable network infrastructures. To bolster the nature of the "short" demand message having the short messaging authentication function, new claims 34-37 are being added to set forth that the sum of the lengths of the fields (e.g., User Identifier field, a Program Identifier field of the demanded video program and an Authentication field as shown in Fig. 3 of the present application) do not exceed 100 bytes. No new matter is being entered by this amendment as full support for this feature can be found in the specification on page 10, lines 1-3 in connection with the reference to Fig. 3.

Simmons and SSL do not teach such a video on demand short message having the novel authentication feature and encryption functions demand short messages for wireless transmission from a mobile as now claimed. In fact, the combination of **Simmons** and **SSL** teach the away from the present invention in that their VOD teachings are oriented to precisely Internet based network connectivity as shown in Fig. 1 of **Simmons**. Bolstered by the fact that the SSL protocol in the SSL reference is clearly an Internet based protocol running on top of TCP/IP and not wireless based communications protocol. Moreover, the fact that the current short message

(e.g., provided by a Short Messaging service) is communicated in "plain text" which is easy to be imitated, the authentication of the security and the user legality can not be achieved using the conventional short message format. The short message generating means at a wireless mobile device having the novel authentication function according to the invention, provides the solution.

Further, the demand short message with the novel authentication function generated at and for transmission by a mobile device over a wireless connection for processing by the demand short message processing server is patentably distinct from **Simmons** and **SSL** as argued in applicants prior response by reiterating the novel authentication and encryption features for such a demand short message for wireless communication:

      1.   That is, the combination of **Simmons** and **SSL** does not teach a short message generating means for receiving a user demand, and generating a demand short message based on the user demand, said demand short message including at least a User Identifier field, a Program Identifier field of the demanded video program and an Authentication field, wherein the sum of the lengths of the fields do not exceed 100 bytes, and wherein the short message generating means includes an encrypting unit for encrypting the fields in the generated demand short message except the Authentication field; **Simmons'** transaction server (10) is not constructed to decrypt encrypted user messages (demand short messages).

      2.   Neither **Simmons'** user interface (54) nor player/receiver (30) encrypt demand short messages. **SLL** does not teach or suggest that encryption and decryption is carried out in the fields in the generated demand short message. For that matter, **SLL's** disclosed SSL handshake states that a combination of public key and symmetric key

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encryption is used, but the server authenticates itself to the client, and may request client authentication in a series of signal exchanges (handshaking) between the client and server, again not relevant to the invention which provides a short message authentication function as claimed.

3.	While the Examiner asserts that Simmons teaches demand short message processing means (transaction server 10, Fig. 1) at a program delivering end for receiving the demand short message, processing the received demand short message to extract the user identifier and using the Authentication field to authenticate the legality of the user, and sending the program identifier of the demanded program by a legal user to video delivering means, applicant again respectfully disagree. That is, the combination of **Simmons** and **SSL** do not teach a short message generating means for receiving a user demand, and generating a demand short message based on the user demand, said demand short message including at least a User Identifier field, a Program Identifier field of the demanded video program and an Authentication field, wherein the sum of the lengths of the fields do not exceed 100 bytes, and wherein the short message generating means includes an encrypting unit for encrypting the fields in the generated demand short message except the Authentication field; Simmons' transaction server (10) is not constructed to decrypt encrypted user messages (demand short messages).

4.	Neither **Simmons** at paragraphs [0040], [0044 and [0045], nor the **SSL** disclosure at pages 1 and 2, paragraphs 7 and 8, paragraph 21, numerals 1-10, whether taken alone or in combination, discloses demand short message processing means at a program delivering end for receiving the demand short message, processing the received demand short message to extract the user identifier and using the Authentication field to

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authenticate the legality of the user, and sending the program identifier of the demanded program by a legal user to video delivering means, and including decrypting means for decrypting the received encrypted short message; and,

     5.   Simmons' transaction server (10) is not constructed to decrypt encrypted user messages (demand short messages)--neither Simmons' user interface (54) nor player/receiver (30) encrypt demand short messages. SSL does not remedy the shortcomings of Simmons. While SSL may describe security measures, neither SSL nor Simmons disclose sending the program identifier of the demanded program by a legal user to video delivering means, and including decrypting means for decrypting the received encrypted short message.
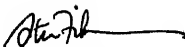
     Accordingly, the combination of **Simmons** and **SSL** does not teach or suggest each element of applicants' independent claims as amended. Accordingly, the proposed combination of **Simmons** and **SSL** does not render independent claims 1, 9, 17, 22, 23 and 24 unpatentable under 35 USC §103(a). Claims 2, 25 and 26 depend from claim 1 and are patentable therewith; claims 10, 27 depend from claim 9 and patentable therewith. Likewise, claim 28 depends from claim 17 and is patentable therewith, claims 29 and 30 depend from claim 22 and are patentable therewith, and claim 31 depends from claim 23 and patentable therewith. Claims 32 and 33 depend from claim 24 and are patentable therewith. Applicants respectfully request, therefore, that the rejection of pending claims 1, 2, 9, 10, 17 and 22-33 under Section 103(a) over **Simmons** in view of **SSL** be withdrawn.

     In response to the rejection of dependent claims 4-8, 12-16 and 19-21 under 35 USC §103(a) over **Simmons** in view of **SSL**, and further in view of **Needham**, applicants respectfully

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assert that claims 4-8 depend from independent claim 1, claims 12-16 depend from independent claims 9, and claims 19-21 depend from independent claim 17, and are therefore patentable for at least the reasons set forth above for the patentability of independent claims 1, 9 and 17, respectively. Applicants, therefore, request withdrawal of the rejection of claims 4-8, 12-16 and 19-21 under Section 103(a) in view of **Simmons, SSL** and further in view of **Needham**.

Accordingly, each of amended independent claims 1, 9, 17, 22-24 and new claims 34-37 are patentable over **Simmons** in view of **SSL**, and respectfully request withdrawal of the final rejections under Section 103(a), allowance of the claims and passage to issue of the application. If the Examiner believes that a telephone conference with applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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